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Ontario Royal commission inquiry into labour
disputes.
Chairman: W. H. French.



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ROYAL COMMISSION
INQUIRY INTO LABOUR DISPUTES

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HEARINGS HELD AT
LONDON

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Toronto, Ontario

1 IN THE MANNER OF The Public
2 Inquiries Act, R.S.O. 1960
3 Chapter 323

4 -and-

5
6 IN THE MANNER OF an Inquiry
7 into Labour Disputes

8 BEFORE: The Honourable Ivan C.
9 Rand, Commissioner at
10 The Moot Court Room,
11 University of Western
12 Ontario, London, Ontario
13 On Monday, April 3rd, 1967

14 E. Marshall Pollock Counsel to the Commissioner

15 APPEARANCES:

16 The London and District Labour Council:

17 William Harrington President
18 Allison Campbell Executive Member
19 Albert Bernhardt Committee Member

20 St. Thomas and District Labour Council:

21 Earl McNames Executive Member

1 London, Ontario,
2 Monday, April 3rd,
3 1967.

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5 ----At 10:00 a.m. the hearing commenced.
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MR. POLLOCK: This is a resumption of the hearings of the Royal Commission on the Inquiry into Labour Disputes. This morning we have before us the London and District Labour Council, William Harrington, President; Allison Campbell, Executive Member, and Albert Bernhardt, Committee Member. And from the St. Thomas and District Labour Council, Mr. Earl McNames, Executive Member. If you four gentlemen would come forward and sit at the table.

I assume due to the fact that you are the President, Mr. Harrington, you are also the spokesman.

MR. HARRINGTON: To some degree, yes.

MR. POLLOCK: I can tell you that both the Commissioner and I have read your submission with considerable interest and we are prepared to proceed with the hearing of the submission. You can go about the presentation in the manner that best suits you. We would suggest that we take the points as they are raised and we can make some discussion out of them. I don't know if there is any purpose to be served in reading the brief, although it is certainly not lengthy. We have some questions arising out of the brief and we have some questions arising out of other matters that may be related to the work of this Commission, so the matter of presentation, as I say, is up to yourself.

MR. HARRINGTON: Would you prefer that I



1 read the brief or not?

2 MR. POLLOCK: Well, as I say, we have
3 both read the brief and if you want to take the points
4 and deal with them by paraphrasing them or roughly dis-
5 cussing some of the factors, then we can turn to an
6 examination of the matters as they come up. We are
7 trying to be as informal as possible in these hearings
8 because we are seeking to elicit background information
9 and factual material with relation to these problems.
10 So, feel free to adopt any technique that you choose.

11 MR. HARRINGTON: I think, your Honour,
12 we would prefer to start this off with Mr. Campbell
13 outlining some of the reasons for our brief.

14 MR. POLLOCK: Could I ask you gentlemen
15 to speak up, please. I am having difficulty hearing you
16 here.

17 MR. HARRINGTON: Thank you. I think we
18 would like to have Mr. Campbell lead off the discussion
19 of our brief.

20 MR. CAMPBELL: Is it necessary to stand,
21 Mr. Pollock?

22 MR. POLLOCK: No, it isn't. You can
23 stand or sit, whichever you prefer.

24 MR. CAMPBELL: Thank you. First of all,
25 our brief refers to two items with which we were mainly
26 concerned. This does not indicate a lack of concern
27 for the other areas that the Commission has been dealing
28 with. We were well aware, of course, that the submis-
29 sion made by the Ontario Federation of Labour, which was
30 an all-phrasing one, in our opinion, and which dealt



1 generally with each of the items covered by the Commis-
2 sion in the terms of reference. And, therefore, res-
3 tricting our brief to an example which we thought was
4 somewhat of a classic example, that of the Wolverine
5 Tube strike which took place here in London a few years
6 back and relating to this along with some reference as
7 to compulsory arbitration might prepare the groundwork
8 for our discussion. Certainly I hope there are some
9 questions relating to some of the others so that we
10 can give our opinions on those as well.

11 This particular strike to us is rather
12 headed up in a pretty graphic way to what we consider
13 to be the great weaknesses and the great faults in the
14 use of injunctions in labour disputes. It is indicated
15 probably in the outcome why labour is so concerned and
16 why we in the union movement wish to have consideration
17 given to discontinuing the use of injunctions in
18 labour disputes entirely. This particular case history,
19 and as you said, you read the brief, the brief is what
20 it says it is, very brief. The period of time leading
21 up to the organization of the Wolverine Tube Plant which
22 was done by my union, incidentally, the U.A.W. in which
23 the attitude of the management was what we considered
24 to be one of the worst examples of Dark Ages thinking
25 on the part of management that we have run into in
26 recent years. It made the whole question of organization
27 difficult to begin with and as you noted in the brief,
28 we refer in it to the dispersal of the Application for
29 Certification in which our union lost. However, because
30 of this interference with the normal ground rules laid



1 down in certification proceedings, the Labour Relations
2 Board had to reverse the decision of the vote of the
3 people and that count in favour of the union because
4 of company interference. Now, this should have made it
5 very clear that the company was prepared to go to any
6 lengths and we say that this is not something that re-
7 lates only to the mentality of these people that took
8 part in the Wolverine Tube situation, but is often the
9 attitude of management which union organization has
10 resisted.

11 THE COMMISSIONER: When was that busi-
12 ness, the Wolverine Company, established? When did they
13 open? How long has it been in operation?

14 MR. HARRINGTON: I think in 1958.

15 THE COMMISSIONER: It's been in London
16 since April, 1958. This isn't an affiliate of an
17 American company?

18 MR. CAMPBELL: Yes, it is. As a matter
19 of fact, we have a Wolverine Tube Company Plant in
20 Detroit under organization with the U.A.W. As a matter
21 of fact, their American Plant has far more advanced
22 conditions than many of the plants that we have organized
23 here in Canada and certainly away and far beyond anything
24 that we asked for in this initial organization of their
25 Canadian Plant.

26 MR. POLLOCK: How many members were there
27 in the unit at the time?

28 MR. CAMPBELL: There were one hundred
29 and eighty people working in the plant and the vote, if
30 you recall--well, it doesn't matter, but the number of



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1 people that crossed the picket line were forty out of
2 one hundred and eighty approximate people in the plant.

3 MR. POLLOCK: How many cards had you
4 signed up before your Certification Application?

5 MR. CAMPBELL: We had sixty-five per cent
6 signed up at the time we applied, and this is what was
7 placed before the Board.

8 MR. POLLOCK: For what reason did they
9 order a vote? If you had sixty-five per cent, it is
10 within their discretion to certify.

11 MR. CAMPBELL: At the time of certifica-
12 tion, we did have sixty-five per cent but in the--yes,
13 it says over sixty-five per cent of the employees in
14 the bargaining unit signed membership cards. Petitions
15 opposing the Application for Certification were cir-
16 culated, signed and sent to the Board. The effect of
17 these petitions was to reduce the union signed members
18 below fifty-five per cent required for immediate cer-
19 tification. The Board ordered a representation vote
20 which was held on February 12th, 1963. The result of
21 the vote was seventy-eight in favour of the U.A.W. and
22 ninety-three against with one spoiled ballot and that
23 is when the union charged the company with unfair prac-
24 tices. In essence what they did during the silent
25 period--I believe the brief indicates to you--they
26 called meetings of their employees of the company
27 properties, set up a grievance committee and promised
28 them the right to negotiate and bargain with the company
29 in spite of the fact that they were supposedly in a
30 silent period.



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1 MR. POLLOCK: How did they go about cir-
2 culating a petition? Was that an irregular petition?

3 MR. CAMPBELL: The petition was cir-
4 culated in the plant itself by employees.

5 MR. POLLOCK: You are not quarrelling
6 with the--or how the petition was circulated?

7 MR. CAMPBELL: Only that we think it
8 gives the company an unfair advantage when a worker
9 can't go and sign another one up on a membership card
10 and the company can go and circulate a petition.

11 MR. POLLOCK: Did the company circulate
12 the petition?

13 MR. CAMPBELL: Of course it did.

14 THE COMMISSIONER: You mean instigated.

15 MR. CAMPBELL: If I remember the discus-
16 sion at the time correctly, there were some of the fore-
17 men and supervisory staff involved in the petition but
18 I couldn't swear to that. This was the story that we
19 got. But they certainly were the people that initiated
20 the petition, there is no doubt about that.

21 THE COMMISSIONER: Then they were guilty
22 of violating the provisions of The Labour Act, undoubtedly.
23 Were any proceedings taken against them?

24 MR. CAMPBELL: Well, of course we
25 charged the company with unfair practices with the
26 result, of course, that the Labour Board took a position
27 that there was such a flagrant violation that they had
28 to agree with certifying our union, so we didn't take
29 it any further than that.

30 THE COMMISSIONER: Well, there seems to



1 be no doubt about that.

2 MR. CAMPBELL: Yes. Then, of course,
3 it leads up to the matter and the reason this is import-
4 ant, of course, is that companies' attitudes are pretty
5 important, and the lack of acceptance in dealing with
6 even the most elementary forms of adhering to the rules
7 doesn't seem to have existed in this case, and I would
8 submit it doesn't exist in a lot of other cases. The
9 point here is that you can readily see why it is very
10 difficult for working people to think that they have
11 certain rights under The Act and can see a management
12 completely violate them and then they are expected not
13 to get too excited about it in the course of events
14 that follow.

15 MR. POLLOCK: The ballot, of course, is
16 a secret ballot. The wishes of these employees that
17 have voted against the union, what do you say was the
18 determining factor in that decision? Were there promises
19 that you can do better without a union, and this type
20 of thing?

21 MR. CAMPBELL: This was one of the things
22 but I think the main thing was coercion. I don't know
23 how much experience you have had in this line, but when
24 you are organizing at a plant there is a great fear,
25 and maybe a very realistic one because we have had many
26 cases of people losing their jobs, especially if they
27 are outspoken in favour of unions even though they have
28 the right to organize, they have no protection until
29 they are organized and the thing that often happens is
30 that those who are most outspoken advocates of unionism



1 find themselves outside the gate and no organization to
2 put them back.

3 MR. POLLOCK: Well you don't need to be
4 outspoken to cast a ballot in favour of the union.

5 MR. CAMPBELL: No, you don't but the
6 period of organization in the plant is a period of--
7 usually it's very shaky and I think you probably know
8 that when we go to convince workers to join a union,
9 you often find people who say "I am 100 per cent with
10 you but when you have all the other guys signed up,
11 come and see me" and this indicates a fear of the con-
12 sequences to them if they are discovered.

13 THE COMMISSIONER: Well, the company is
14 not permitted under The Act to dismiss a man for support-
15 ing a union.

16 MR. CAMPBELL: Under The Act, a company
17 is not permitted to do it but we would be very, very
18 naive if we said that they were permitted. This is
19 prevalent every day of the week and we run into it
20 in every organizing job we do.

21 THE COMMISSIONER: Do you ever contest it?

22 MR. CAMPBELL: It has been contested in
23 the past, and usually the reasons given are backed up
24 by some court or another and the reasons usually have to
25 do with maybe something the person did at one time or
26 another on a job, or it is a simple matter of not
27 being acceptable for one reason or another, and it is
28 very hard to pin down. I think there have been a few
29 cases where people have been termed as unfairly let out.

30 THE COMMISSIONER: Well that is one of



1 the fundamental provisions.

2 MR. CAMPBELL: It should be but I think
3 if you look into case histories on this particular item
4 that the cases of people being returned to employment
5 who have been brought before courts in order to challenge
6 the companies are few and far between.

7 THE COMMISSIONER: Have you any statistics
8 on that?

9 MR. CAMPBELL: I might be able to produce
10 some for you, sir, but I don't have them here.

11 THE COMMISSIONER: I think it would be
12 desirable to have a thing like that.

13 MR. CAMPBELL: I think these would be
14 readily available with a little bit of research, because
15 I can remember cases over the years where we have
16 challenged these things and got nowhere on them.

17 MR. POLLOCK: Well, getting back to the
18 original question of the techniques used by the em-
19 ployer, it seems to me that what you say is perfectly
20 valid so far as the organizational period is concerned
21 and when you have to go round and get somebody to sign
22 a card--that is, you have to do something where someone
23 else can see him doing it. But if he is committed to the
24 union or if he is only afraid that if he gets caught
25 that he will be disciplined, how does that apply to a
26 fellow who casts a ballot in the certification vote?
27 Nobody knows really who casts the ballots and I suppose
28 you could get a situation where one hundred per cent
29 of the union voted in favour of the union and then
30 everybody would be guilty in the company's eyes, but



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1 that is a pretty unrealistic situation. So that what
2 was it, was it only the fear that caused them not to
3 vote for the union or was there an attempt made by the
4 company to convince them that you can get more without
5 the union, "stick with us, we are a happy family together,
6 what do you need those other people for?", was it that
7 type of thing?

8 MR. CAMPBELL: This was their primary ar-
9 gument, of course, that they could do much better with-
10 out them. That is the reason they set up what we would
11 call "a company union" with its own committee and of-
12 fered them the right to breathe and the right to have
13 meetings on company's time to discuss their problems,
14 which is rather unusual and so on. These things were
15 all promised to these people just prior to the certifica-
16 tion vote taking place, and I would think that it might
17 be a two-headed monster that they had to deal with. One
18 was the promises and the other was the fear. I don't
19 know which you could say was the most prevalent. I
20 certainly think that it indicates the attitude that we
21 are here to deal with. Well, of course the period of
22 organization and attempts to negotiate that have lasted
23 over a couple of months and there were six or so meet-
24 ings that were spaced out fairly far apart, and which
25 the union having started out with what we might call
26 "a standard U.A.W. contract" in this area where we have
27 nine plants under agreement, and we have very amicable
28 relations with each of these managements and we have
29 very few strikes, for example, in the other plants,
30 and not too great difficulty in arriving at what we



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1 consider to be a standard U.A.W. coverage for these
2 people.

3 MR. POLLOCK: Do you have a copy of what
4 you call "a standard U.A.W. contract"?

5 MR. CAMPBELL: No, I am sorry I don't
6 have. I am not a union organizer, I work in a plant,
7 but we can easily get you copies of our agreement even
8 before you leave town. I can get my own agreement from
9 Regent Automotive.

10 MR. POLLOCK: As far as this type of
11 agreement, what type of union class were you negotiating?

12 MR. CAMPBELL: We were accepting the
13 Rand formula in this particular contract although the
14 rest of our contracts in town, most of them are union
15 shop contracts.

16 MR. POLLOCK: Modified union shop or
17 straight union shop?

18 MR. CAMPBELL: Straight union shop some
19 of them. Out of the nine, I suppose there would be
20 half modified and half union.

21 MR. POLLOCK: What about the wage
22 bracket, how does that compare with what they were
23 paying at the plant?

24 MR. CAMPBELL: At the beginning, the
25 wage package would have brought them up pretty well on
26 a par with the other light industries. Mind you, within
27 the nine plants, for example, garages and trailers,
28 places where they make trailers, we have automotive
29 and we have General Motors where the wage level varies,
30 but we were asking in this particular plant for wages



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1 that compared with the plant like the one I work in
2 which is not quite as high as General Motors but not
3 quite as low as some of the lesser ones.

4 MR. POLLOCK: But by comparison with what
5 they were paying unorganized, what would they have been
6 paying organized or under the collective agreement?

7 MR. CAMPBELL: You mean, what would this
8 particular plant have been paying? Their rates weren't
9 so particularly low. I think they were probably twenty
10 to thirty cents below the organized places of a compar-
11 able industrial stature, if you want to look at it like
12 that.

13 MR. POLLOCK: They were hourly rated
14 employees?

15 MR. CAMPBELL: Yes.

16 MR. POLLOCK: What were the hourly rates
17 before negotiations and what level were you trying to
18 negotiate?

19 MR. CAMPBELL: Well, their rates were
20 between one-sixty to one-eighty to one-ninety an hour
21 for making tubes which is a fairly responsible type of
22 work. We thought it was quite low pay for that particular
23 industry. We were attempting to bring them up over the
24 two-ten to two-twenty an hour bracket. This might not
25 be exactly adequate but it is very close to what took
26 place there.

27 MR. POLLOCK: What other provisions were
28 you negotiating that ran into some difficulty?

29 MR. CAMPBELL: The main one that we ran
30 into difficulty on was the security end, the seniority



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1 provisions was one of them. They were in agreement
2 with giving people seniority system which we found it
3 difficult to accept where they would lay off anybody
4 regardless of seniority for a period of fifteen days.
5 This was what you would normally call "a short-term
6 lay-off". And we have another plant would be three
7 days for a short-term lay-off. In my plant we have
8 eliminated that entirely.

9 MR. HARRINGTON: May I interject at a
10 point here. Prior to the organization attempt on his
11 part, there had been a couple of others in previous
12 years and in every instance, the company raised its
13 rate and while its rate wasn't as low as the rest of
14 the people in the area, in order to keep the union out
15 they had done this, but in this instance they had failed
16 to convince the people.

17 MR. POLLOCK: The organizers were doing a
18 pretty good job even though they weren't organized.

19 MR. HARRINGTON: That is right.

20 MR. POLLOCK: So that your negotiations
21 generally weren't making much headway, I take it.

22 MR. CAMPBELL: No, they bogged down on
23 wages and seniority provisions and insurance coverage
24 and what-have-you that we thought they should have.

25 MR. POLLOCK: What did they want by way
26 of union security?

27 MR. CAMPBELL: Well, they weren't pre-
28 pared to accept the Rand formula so I don't recall what
29 they actually did substitute for it. I could probably
30 find it here. No, I have no reference to it here in



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1 the list.

2 MR. POLLOCK: What about the normal
3 problem that you run into in management rights, did you
4 have any difficulties there? I am trying to find out
5 really if the company was taking the position all the
6 way along the line that they were not going to give any-
7 thing.

8 MR. CAMPBELL: This was the position of
9 that committee. I wasn't on that committee but the
10 problem was that, as our negotiators put it, they had
11 whittled down their end demands to the very bone. They
12 were prepared to accept practically nothing, even in the
13 wage end and so on. They had whittled down their final
14 demands to the very bone which would have left that plant,
15 in order to effect a first agreement, far below the
16 standards of others of the U.A.W. group in this area.
17 And the company made it very clear that they were not
18 prepared to accept anything. They didn't want to budge
19 on any of these matters.

20 MR. POLLOCK: Was any attempt made to
21 demonstrate that the company wasn't bargaining in good
22 faith?

23 MR. CAMPBELL: Yes, there was. They had
24 a meeting finally after no meeting for a long period of
25 time and just before the strike, which was in August,
26 the union charged to the Labour Relations Board that the
27 company was refusing to bargain in good faith and the
28 Minister called a meeting, and out of the meeting that
29 was called, and the company was ordered to attend it in
30 Toronto, they got nowhere again.



1 MR. POLLOCK: But you made no application
2 under The Labour Relations Act in relation to their
3 lack of good faith bargaining as you allege?

4 MR. CAMPBELL: I am afraid I don't recall
5 that particular item.

6 MR. POLLOCK: In any event, you couldn't
7 conclude an agreement after how many months? You went
8 to meetings in November, 1963 to August, 1964.

9 MR. CAMPBELL: From November 20, '63 to
10 August, 1964.

11 MR. POLLOCK: You went to the conciliation
12 proceedings and the conciliation wasn't of any assistance
13 to the parties, and the Conciliation Board was appointed,
14 was it?

15 MR. CAMPBELL: That is right, there was
16 a Conciliation Board and they came down with no recom-
17 mendations.

18 MR. POLLOCK: None whatever?

19 MR. CAMPBELL: None whatever. They just
20 washed the Board out. That was on July 30th, 1964, and
21 the union then took a strike vote and it was a ninety-
22 two per cent vote which, incidentally, indicated at this
23 point that the people had overcome their fears and were
24 prepared to vote.

25 MR. POLLOCK: Is that ninety-two per cent
26 of the unit?

27 MR. CAMPBELL: Ninety-two per cent of
28 the unit, yes.

29 MR. POLLOCK: What per cent of the unit
30 had you signed in membership?



MR. CAMPBELL: At the time of the strike, we had practically the whole plant under membership. I think maybe with the exception of thirty people and all the rest had then come and signed up because many people signed after the Board's decision came down giving the union the right to be certified in spite of having lost a vote. We had a tremendous influx then.

MR. POLLOCK: So you had about one hundred and fifty to one hundred and eighty signed up as members?

MR. CAMPBELL: That is right.

MR. POLLOCK: And thirty-one non-members. Now, of the ninety-two per cent that figured they should vote or was it ninety-eight?

MR. CAMPBELL: It was ninety-two per cent.

MR. POLLOCK: Is that of the one hundred and fifty or one hundred and eighty?

MR. CAMPBELL: That would be of the one hundred and fifty. Just the union members would vote on strike.

MR. POLLOCK: So when was the strike vote taken with relation to the strike which eventually occurred at midnight, August 18th?

MR. CAMPBELL: I don't have the date but July 30th was the time we got a "no" report from the Board and following that, the strike vote was taken and it doesn't list the date here, I am sorry.

MR. POLLOCK: Was there any attempt made to negotiate after that and before the strike occurred?

MR. CAMPBELL: Yes, there was and that



1 is when the union attempted to get a meeting and we
2 finally did get a meeting with George Burt from
3 Windsor, who at that time was the Canadian Director, and
4 they got nowhere. They met with the company, as a
5 matter of fact, on August 17, which was two days prior
6 to the strike being called. My notes indicate here a
7 few items, minor items, were discussed at this meeting
8 and the company agreed to meet again on August 19 at
9 eleven a.m. and at this point, the union bargaining
10 committee was joined by George Burt. The company made
11 a proposal at this meeting that they said was final and
12 not subject to change where union security provided
13 revocable check-out, the employees were required to
14 sign authorization forms satisfactory to their company
15 in the offices of the employee and community relations
16 manager. A seniority provision permitting the company
17 to lay off without regard to seniority for fifteen-day
18 periods and without limitation of any sort. A wage
19 increase of three per cent for each year of a two-year
20 agreement. This and other provisions of the company
21 proposal were unacceptable to the union and since the
22 company was rigid in their position, the meeting ended,
23 and this was at eleven a.m. the day the strike took
24 place and it took place at midnight. So I think this
25 should indicate that the union did attempt in every
26 possible way to deal with the people.

27 MR. POLLOCK: They are on continuous
28 operation at the plant, that is, three shifts?

29 MR. CAMPBELL: Yes, there were then.

30 MR. POLLOCK: So how many of the unit



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1 came out? First, let me ask you this. How many were
2 working at any one time, would it be about sixty?

3 MR. CAMPBELL: No, I think the day shift
4 was considerably more than the other two shifts. The
5 last shift, as I remember correctly, had thirty or forty
6 people working on it and the day shift, maybe a little
7 less than a hundred.

8 MR. POLLOCK: The last shift had forty,
9 so we are talking, it would work out to about eighty,
10 sixty and forty on shifts.

11 MR. CAMPBELL: Somewhere around there,
12 yes.

13 MR. POLLOCK: So how many in the unit
14 working at midnight came off?

15 MR. CAMPBELL: I don't think there was
16 one person went in on the midnight shift. If I remember
17 correctly, everybody came out at midnight.

18 MR. HARRINGTON: The whole plant was out
19 on the first day.

20 MR. CAMPBELL: I wouldn't want to swear
21 to that but it seems to me that--I was there along with
22 some other people, and it seems to me that there weren't
23 many people went in at that particular shift. At the
24 beginning of the strike, it was completely solid. The
25 next day there were approximately forty people went
26 through the picket lines.

27 MR. POLLOCK: What were the conditions
28 at midnight around the plant?

29 MR. CAMPBELL: It was very, very quiet
30 as a matter of fact. There were some guards in the plant



1 and there were some people came off the afternoon shift
2 that came out and generally greeted the people in a
3 friendly fashion. Those that were there to picket mainly
4 walked around in circles. There were no instances of
5 any kind.

6 MR. POLLOCK: How many people altogether
7 were doing the picketing?

8 MR. CAMPBELL: There wasn't a very big
9 picket line, there were forty-five or fifty.

10 MR. POLLOCK: I don't know the layout
11 of the plant but is there a main gate?

12 MR. HARRINGTON: The plant is situated
13 in East London and has a private road attached to it.
14 A private road runs up to the site of the plant itself
15 and the main gate is at the end and our pickets were
16 circulating at the end of the private road in front of
17 the main gate.

18 MR. POLLOCK: So you had gone down the
19 private road, then?

20 MR. HARRINGTON: Yes.

21 MR. CAMPBELL: Incidentally, we had quite
22 a discussion with the members and we know our local
23 serviceman and we realize he is a very cautious person
24 and prior to the strike, he had a meeting with the
25 strikers at which the ground rules were laid down very
26 definitely about how they must conduct themselves. This
27 was done meticulously, and everybody was urged to behave
28 themselves and not to create any incidents and so on.
29 Now, this was done and that is why most of the people
30 said "We will take so many out tonight to establish the



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1 picket line and in the morning, we want everybody there".

2 MR. POLLOCK: So, over the first night
3 you had forty or fifty people. They didn't stay there
4 all night, did they?

5 MR. CAMPBELL: No, some people were left
6 there to stay all night.

7 MR. POLLOCK: So you had forty or fifty
8 at times and then how many people stayed?

9 MR. CAMPBELL: We left a small number,
10 maybe eight or ten.

11 MR. POLLOCK: And when did the size of
12 the line pick up again?

13 MR. CAMPBELL: In the morning.

14 MR. POLLOCK: How many were there then?

15 MR. CAMPBELL: I think that practically
16 everybody was there.

17 MR. HARRINGTON: Almost the whole plant
18 was there.

19 MR. POLLOCK: Would that be a hundred
20 and forty?

21 MR. CAMPBELL: I don't know if it was
22 a hundred and forty but it would be close to it.

23 MR. HARRINGTON: I would like to clear up
24 that matter of the private road. The road belongs to
25 the city and is not company property.

26 MR. POLLOCK: I understand that. So that
27 you had about a hundred and forty people at eight o'clock
28 in the morning and they were walking around.

29 MR. CAMPBELL: Yes, and incidentally,
30 along with the people that were there, there were large



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1 squads of city police.

2 MR. POLLOCK: They weren't picketing,
3 though.

4 MR. CAMPBELL: No, they weren't picketing.
5 They were picketing the pickets, if you want to put it
6 that way. There were quite a number of company officials
7 including the president of the company, most of whom
8 either carried cameras or pads and pencils and obviously
9 were attempting to intimidate the boys outside the gate
10 by writing down names or apparently they were doing this.

11 MR. POLLOCK: They were carrying out a
12 research project.

13 MR. CAMPBELL: Yes, they were simply
14 showing a great deal of interest at this time of morning,
15 and it must have been unusual for them to be up that
16 early to begin with unless they were going fishing.

17 MR. POLLOCK: Well, let me get back to
18 the hundred and forty which left approximately forty to
19 go into the plant to work. Now, let me understand the
20 operation of the plant. It only has one unit. There
21 is only one area of production in this plant.

22 MR. CAMPBELL: Yes, that is right, there
23 is one building.

24 MR. POLLOCK: But all the workers in this
25 plant are included in the unit, outside of the office
26 personnel?

27 MR. CAMPBELL: Yes, that's right.

28 MR. POLLOCK: So that you had this group
29 of people, were they parading back and forth in front
30 of the gate? I don't know what size of area you had to



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1 walk around in.

2 MR. CAMPBELL: Well, it is a regular city
3 street and the gates are the usual double metal gates
4 with a small guard's cubicle on one side, so the area
5 was street-wide and where this particular plant is
6 situated and where the particular gate was, it was the
7 end of a dead end and there was a big field on the other
8 side and there was all kinds of room around it.

9 MR. HARRINGTON: It would be about the
10 size of this room.

11 MR. POLLOCK: Would the road be sixty
12 feet across?

13 MR. CAMPBELL: Yes, it was a very large
14 area there.

15 MR. POLLOCK: Were these people formed up
16 in any regular pattern?

17 MR. CAMPBELL: Yes, it was a regular
18 picket line arrangement.

19 MR. POLLOCK: And the people who wanted
20 to cross to the zone, did they have to break the line?

21 MR. CAMPBELL: Well, as another little
22 indicator as to how well-organized the company was and
23 we respect organization sometimes even though we think
24 it is even retrogressive in this case, the company had
25 organized a cavalcade at that particular time to go
26 through that gate the very first morning of the strike.
27 They lined up all the people that obviously they had
28 been in contact with and who were going to be opposed to
29 a strike from the very beginning and they came through
30 there in a cavalcade that first morning without much



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1 regard for the people who were in their way or anything
2 else.

3 MR. POLLOCK: That was a cavalcade of
4 cars?

5 MR. CAMPBELL: Yes.

6 MR. POLLOCK: How many cars?

7 MR. CAMPBELL: I don't know but I think
8 it says in my notes here just a cavalcade of cars con-
9 taining about forty employees crossed the picket line.
10 I wasn't there that first morning, but the reports in-
11 dicated that they barrelled up that road and all the
12 police around should have been charging them with speed-
13 ing, and through a picket line without much regard for
14 the people who were there.

15 MR. POLLOCK: I suppose they opened up
16 when the cars came.

17 MR. CAMPBELL: Yes, the police were there
18 in great numbers so there was no incident or problems.

19 THE COMMISSIONER: By that time you had
20 worked up quite a feeling about the company.

21 MR. CAMPBELL: Yes, there was quite a
22 feeling about the company.

23 THE COMMISSIONER: So I suppose human
24 beings are human.

25 MR. CAMPBELL: Yes.

26 MR. POLLOCK: So that when these cars
27 went through, there was, I suppose, a lot of derisive
28 shouting and unpleasantness as the cars went through,
29 or was it just quiet and nothing happened. Now, mind
30 you, I wasn't there so I don't know.



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1 MR. CAMPBELL: All I can say is that the
2 reports we got were that the people did behave themselves
3 admirably well under the circumstances. There were the
4 usual catcalls and "Why don't you come out and stay with
5 us?" and all this kind of thing.

6 MR. POLLOCK: Were any of the cars stopped
7 along the way, do you know?

8 MR. CAMPBELL: Not that I remember hear-
9 ing about. I think they all went in as a group that
10 morning.

11 MR. POLLOCK: Now, they obviously couldn't
12 carry out much production with forty people.

13 MR. CAMPBELL: No, we understand that a
14 lot of people got callouses on their hands that pre-
15 viously didn't have any, so they attempted to use the
16 office staff or some of the office staff to do work
17 that was eventually scrapped, as we understand it, be-
18 cause it was of such inferior quality. They weren't
19 used to that type of thing.

20 MR. POLLOCK: They wanted to keep the
21 presses rolling or whatever they have, to destroy the
22 morale.

23 MR. CAMPBELL: Yes.

24 MR. POLLOCK: So what happened then, on
25 the next occasion? Did the numbers dwindle? What hap-
26 pened in the next instance?

27 MR. CAMPBELL: Well, we wound up, I think,
28 with what we would call, scabs, amounting to about sixty
29 of the original one hundred and eighty. Within the next
30 few days, there were a few more that went in that



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1 previously hadn't.

2 MR. HARRINGTON: The point that must be
3 made here was that the company made great efforts to
4 contact some of the people in their homes in order to
5 induce them back to the plant.

6 MR. POLLOCK: How did they induce them?
7 Did they say, "Would you like to come back to work for
8 us?"

9 MR. HARRINGTON: I think it was done by
10 telephone but the conversation of what took place there,
11 I don't know, nobody has ever told me what happened.

12 MR. POLLOCK: Well, I suppose it was quite
13 natural as far as the company was concerned to want to
14 get these people back to work, or they won't keep oper-
15 ating.

16 THE COMMISSIONER: Well, what of the
17 considerations behind this effort on your part to
18 organize people who are more or less indifferent. What
19 are your purposes in total?

20 MR. CAMPBELL: We don't think it neces-
21 sarily indicates indifference when people vote over-
22 whelmingly in our favour. You see, when you organize a
23 plant like this, you can't do it on the job because we
24 would jeopardize people's livelihood and usually you
25 don't find too many people who are anxious to lose their
26 jobs by attempting it. Therefore, most of the organiz-
27 ing must be done by a door-to-door canvass of the em-
28 ployees at night on our organizing staff's time or our
29 own time, and we find all kinds of people, sir, if you
30 will permit me to finish your question here, who are or



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1 who will say that they would like very much to have a
2 union but they are very fearful of what takes place
3 prior to getting the union in. As I said before, many
4 people say, "Look, if you can just get that place under
5 contract, we are with you one hundred per cent, but don't
6 bother us now, for goodness sake". Sort of an attitude
7 like "Did someone see you coming here".

THE COMMISSIONER: But who initiates this?

9 Here you have a plant that was working along there and
10 it is unorganized and reports that one reads certainly
11 indicate that the union is anxious to expand its area
12 of control over workmen.

13 MR. HARRINGTON: I don't think that is
14 really true, I don't think there is any case where any
15 plant is organized that it is necessarily the fact that
16 the union has tried to enhance its position. I say I
17 don't think at any time is it necessarily so that the
18 union is trying to enhance its position. Invariably
19 in many cases where these matters occur, the people
20 within the plant that have incidents happen to them
21 in which they are dissatisfied with and they have no
22 machinery on which to proceed , and these people in
23 a small nucleus sometimes come to a union and say, "Can
24 you do anything, can you organize this place?" and it
25 is that initial step that usually gets things done.

26 THE COMMISSIONER: How frequently does
27 that occur?

28 MR. HARRINGTON: Very frequently.

29 THE COMMISSIONER: Well, you can't tell
30 me that there isn't ambition and rivalry in unions to



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1 strengthen their own ranks but why are you anxious that
2 you have a plurality in unions in order to engage in a
3 competition for membership. It puzzles me. You are all
4 working to the same end, so you profess.

5 MR. CAMPBELL: Well, this is a little
6 apart from the subject matter here, but I do think that
7 we would be the first to agree with you that this
8 rivalry shouldn't exist and we would also agree with
9 you that it does exist and does happen. But there are
10 certain problems related to organization the same as
11 any other, I suppose, where this happens.

12 THE COMMISSIONER: Well, I can quite see
13 the difficulties where management is opposed.

14 MR. CAMPBELL: I might say that I am
15 rather proud of the fact that the United Auto Workers,
16 of which I am a member, is very ethical in its approach
17 to organization and generally speaking, it sticks to
18 its own jurisdictions and doesn't run into too many of
19 these problems. But I know that we do suffer from what
20 you are talking about.

21 THE COMMISSIONER: Well, that is the way
22 it strikes me, that you are all concerned with improving
23 the conditions and lives of workmen.

24 MR. CAMPBELL: That is our primary con-
25 cern, yes. These elements are weaknesses that creep
26 in.

27 THE COMMISSIONER: I haven't any doubt
28 that there are personal ambitions involved in this, too,
29 the interests of office and that sort of thing.

30 MR. POLLOCK: The United Auto Workers



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1 I think, is tinted with a bit of jurisdictional claim.
2 Don't they represent some minor union around Windsor,
3 a salt mine?

4 MR. CAMPBELL: Yes, and there have been
5 people come to us for organization. There is a jam
6 factory, I think we had for years and we finally gave it
7 to somebody because its contracts were slightly different
8 than ours and we found someone that wanted it. But very
9 often we have people come to us for organization and we
10 will organize them just because they ask for it and no-
11 body at the moment is free to do it, and then we have
12 turned over unions to others.

13 THE COMMISSIONER: Well, that is a per-
14 fectly legitimate reason, I would say, but I am wondering
15 in how many cases you have some other vision.

16 MR. HARRINGTON: Well, I think, sir, in
17 some cases we find that our organization provides very
18 good working conditions for our specific group of people.
19 Our organization provides good security provisions and
20 pension plans and hospitalization, and so forth, and
21 the tenor of its negotiations with companies and the
22 remuneration coming from the companies because of its
23 organization creates a sort of envy to some of the other
24 types of unions that haven't got this, even though within
25 their organization and within their field, the field of
26 operation, maybe they couldn't attain the same type of
27 agreement that we have. But this applies to a lot of
28 people and I think a lot of the Auto Workers' program
29 and say, "Why can't we have this?" And this is a stirring
30 point for the rank and file people. This is a basic



1 factor of people wanting to attain the most they can
2 attain within an organization.

3 THE COMMISSIONER: Well, under those cir-
4 cumstances, there shouldn't be so much hesitation about
5 sending you to other people to organize. They should
6 have a bit of courage themselves.

7 MR. HARRINGTON: I don't think we have
8 any problem, sir, if you have to organize for somebody
9 else, but the problem we have, I think, is jurisdictional
10 problems in which we have very stringent rules within
11 the Canadian Labour Congress and in which we are held
12 down to our jurisdictional areas. Under these bases,
13 I am quite sure that in thinking along the way you are, that
14 the labour movement would be much larger than it is today
15 if your type of treatment were applied throughout the
16 whole of the Canadian Labour Congress. I am certain of
17 that. But it is the jurisdictional disputes that are
18 a bugbear at the moment and we have never yet been able
19 to overcome this, and I think this is a very pertinent
20 point.

21 MR. POLLOCK: If you can believe the
22 newspapers, with all deference to any reporters that are
23 here, I think the move is to try and restructure the
24 Canadian Labour Congress to ten large unions, but the
25 problem is who is going to be it.

26 MR. HARRINGTON: That is right, yes.

27 MR. POLLOCK: We have got to this stage
28 and I don't want to take you step by step through every
29 twenty minutes of the whole strike. If you can tell us
30 the highlights of any types of violence occurring on



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1 the premises or any scuffle or any damage caused. I
2 am assuming that these things happened, but I don't know
3 whether they did or not.

4 MR. CAMPBELL: Well, the first injunction
5 that was granted took place the second day after the
6 strike began on August 21st on the Friday.

7 MR. POLLOCK: Well, let me stop you there
8 for a moment, at that time. Before the injunction was
9 obtained, were there any acts of disturbance?

10 MR. CAMPBELL: Not other than booing
11 and what-have-you that you referred to, that were re-
12 ferred to. There were no acts in which any individual
13 was hurt or anybody suffered any damage or any property
14 damage.

15 MR. POLLOCK: Was anybody threatened?

16 MR. CAMPBELL: No, no-one was threatened,
17 in fact, it was a rather ideal situation in terms of
18 strikes. I have seen some that weren't so ideal in this
19 respect, but this one was conducted in a very careful
20 fashion.

21 MR. HARRINGTON: I recall one incident
22 in that strike in the very early stages when one man
23 was up and he wasn't an employee of the Wolverine Tube
24 but he was a labour member. He was standing there and
25 Sheriff Beatty was in the place, too. I am not sure,
26 but I think it was Mr. Coleman, the Personnel Manager,
27 poked his finger at him and he pushed it away and he
28 turned to the Sheriff and he said, "Look at that, there
29 is violence". I recall this is one incident that is
30 very clear in my mind. They had a picture of this, too.



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1 I think there was a lot of that sort of thing that there
2 were injunctions in the very instance that were intimi-
3 dated by management goading people and pushing them into
4 doing things.

5 MR. POLLOCK: Well, then we have got to
6 the injunction on August 21st. Was that ex parte
7 application?

8 MR. CAMPBELL: Yes, it was and it was
9 made permanent by Mr. Justice Parker on September the
10 9th, which followed the initial injunction. Ian McRae
11 served the first one.

12 MR. POLLOCK: The first one was August
13 21st and that would last four days.

14 MR. CAMPBELL: Yes, it was four days.

15 MR. POLLOCK: What were the operative
16 provisions?

17 MR. CAMPBELL: Three persons per gate.
18 There were two gates and one was a practically unused
19 gate and was never used by any personnel in the plant,
20 the other one being the main plant entrance.

21 MR. POLLOCK: And there were the usual
22 provisions. Was there anything about violence and
23 threatening and all these other things that find their
24 way into injunctions? You don't have a copy of the in-
25 junction?

26 MR. CAMPBELL: No, I don't have a copy
27 of the injunction, but all it did was limit the people
28 to three pickets per gate and it limited the area of
29 access to an area outside this road that ran in front
30 of the plant, to within around five hundred feet. It



1 was a stated distance that they mustn't come that close
2 to the plant.

3 MR. POLLOCK: You mean other people or
4 the three pickets?

5 MR. CAMPBELL: The three pickets were
6 allowed to be at the gate and everybody else must
7 come within five hundred feet. And this in essence
8 meant that they completely isolated the plant because
9 the entrance, as we said, was at the end of a blind
10 street and the other access road ran along the fence
11 of the plant and it wasn't anywhere near the plant
12 proper. It was merely a big field nearby. So, in
13 order to make any use of picketing or anything of a
14 sort--of course, now that it was limited to three,
15 does the job effectively anyway--but it immediately
16 opened up the plant to strike-breakers which the com-
17 pany had no trouble in soon as they wanted to do so.

18 MR. POLLOCK: Well, let me ask you this
19 question about the number of pickets. These three
20 pickets were picketing and they had the signs and the
21 signs said "This plant is on strike". There was no
22 doubt that anybody walking up to that plant would know
23 this plant was on strike. They would see the signs.

24 MR. CAMPBELL: Well----

25 MR. POLLOCK: Well, let's say, if you
26 could read it.

27 MR. CAMPBELL: It would make the same sense
28 if you could see the picket line, because the picket
29 line took up the end of the street and anybody driving
30 down the access road could see that there still



1 in progress. If you limit that to three people in front
2 of a gate at the end of the street a few blocks away,
3 it eliminates the effectiveness completely.

4 MR. POLLOCK: But if you want to get
5 into that plant, you would have to walk fairly close to
6 these three pickets.

7 MR. CAMPBELL: Yes, if you were going
8 into the plant of course you would see them.

9 MR. POLLOCK: You were not worried about
10 workers not going in--that are going into the plant?

11 MR. CAMPBELL: Well, we would like
12 the publicity on it.

13 THE COMMISSIONER: What/publicity/on a
14 plant of that sort?

15 MR. CAMPBELL: Well, publicity would keep
16 the issue before the people. That is a highly industrial-
17 ized area.

18 THE COMMISSIONER: But what people?

19 MR. CAMPBELL: Well, the rest who work
20 for us in the City of London. I think you will readily
21 agree that when the company acts in a fashion which
22 we indicated to you that we think came out of the Dark
23 Ages in their approach to organization for it,

24 THE COMMISSIONER: But the other people
25 are at work. How can they be affected by what takes
26 place at the struck plant?

27 MR. CAMPBELL: We think it does have a
28 certain psychological advantage to us in terms of man-
29 agement. The public in general knows what the conditions
30 are that we are dealing with.



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1 THE COMMISSIONER: Do you think the
2 public in general cares a snap of its fingers about it?

3 MR. CAMPBELL: Yes, I would say yes.
4 We would have marched through City Hall when we were
5 after strike-breakers.

6 THE COMMISSIONER: But don't compare that
7 to maintaining a few people at a gate to obstruct en-
8 trance. A few massed people in the street, of course,
9 people will take notice, but not because it is a strike
10 but because it is a demonstration.

11 MR. CAMPBELL: Well, I always understood
12 the legal interpretation of picketing had a lot to do
13 with public information and I really think that that is
14 a fact.

15 THE COMMISSIONER: Well, would you agree
16 with this, that if something was said to have taken
17 place on August 20, which is the day of the strike----

18 MR. CAMPBELL: That was the following
19 day.

20 THE COMMISSIONER: ... a driver was
21 threatened by violence and this was a truck desiring to
22 enter the plant, and despite police at the scene, some
23 thirty pickets blocked entry of the truck to the plant.
24 Finally, with police assistance, the truck passed through
25 the picket line forty-five minutes later. During the
26 same day, other trucks were refused entry to the plant.
27 Now, do you challenge that statement?

28 MR. CAMPBELL: Yes, I don't think that
29 is an accurate statement because I----

30 THE COMMISSIONER: Were you there?



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1 MR. CAMPBELL: No, I wasn't.

2 THE COMMISSIONER: Then you are not in a
3 position to say.

4 MR. CAMPBELL: All I can give is the
5 story as I got it by the people who were concerned
6 and I am sure that wouldn't be a valid entity.

7 MR. POLLOCK: You said that it didn't
8 happen or it didn't happen in that way?

9 MR. CAMPBELL: It didn't happen in that
10 way.

11 MR. POLLOCK: Well, what happened?

12 MR. CAMPBELL: The people that were doing
13 the discussing with the truck drivers, and I think any-
14 body that has been involved in a strike situation is
15 aware that you do attempt to convince people that are
16 carrying materials for a struck plant not to go in, and
17 truck drivers, in particular, are the most sympathetic
18 people that you ever talked to. They are very, very
19 prone to agree with you when you are picketing and if
20 this took forty-five minutes, this was a period of
21 time in which they had discussions with the truck driver.

22 THE COMMISSIONER: Well, you didn't
23 intend to convince only by talking. You know, I don't
24 believe in putting sugar coating on facts that are not
25 sweet.

26 MR. CAMPBELL: Well, I suggest to you
27 that the company put sugar coating on those facts.

28 THE COMMISSIONER: Well, it may have put
29 some salt on it or something that is bitter, but you
30 can't tell me that when you reach that stage, a company



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1 that is opposed to unionization and unions that are
2 gradually in an increasing belligerent state of mind
3 with emotion, I don't think you will find them acting as
4 if they were at a tea party. All I am trying to get
5 is the sense of reality. It is perfectly obvious here
6 that the company was opposed to unionization, and that,
7 it seems to me, was the instigation of what followed,
8 but I would like to know what actually did follow.

9 MR. CAMPBELL: Well, without having the
10 witnesses to the incident here, all I can say is that
11 in discussing these incidents with people that it was
12 the subject of much discussion locally, the story that
13 the company used as one of the reasons for suggesting
14 that there was a serious problem with the picket line,
15 but the circumstances were not described in the manner
16 that we understand them.

17 THE COMMISSIONER: Well, you see, you
18 have one hundred and eighty workers there. If you had
19 had solidarity in the working force, that plant would
20 have stopped for all practical purposes. That is, if
21 you had had the one hundred and eighty.

22 MR. CAMPBELL: Absolutely, sir.

23 THE COMMISSIONER: And your cause,
24 therefore, is to consolidate the working force and that
25 ought to be the primary purpose, and I have no doubt
26 that it is the primary object which you have in mind
27 when organizing. But, really, the burden is on you to
28 establish that collaboration, isn't it? You are the
29 only people who are concerned with and the only people
30 who are able to effect a collaboration between all



1 those working people in that shop. And if you can get
2 them to work, then your object is accomplished, that is,
3 if you get them to act together. And if they withdraw
4 from that work, your object is achieved.

5 MR. CAMPBELL: Well, sir, I think this
6 point might be one of the things that we considered to
7 be one of the main weaknesses in the Act, and that is
8 when people go through all the long, drawn out processes
9 leading up to the legal right to go on strike, that the
10 Act should also in granting the legal right to go on
11 strike, do the obvious and order that plant to be shut
12 down because it has to be a majority that agrees to the
13 strike to begin with. And I would submit to you that
14 your own principle which indicated that if workers who
15 are in a shop who are the beneficiaries of the unions'
16 negotiated gains, therefore should be obligated to pay
17 union dues, which was your own premise, and this same
18 principle applies to those other forty who are in the
19 plant.

20 THE COMMISSIONER: But, on the other hand,
21 you might have fifty-one per cent or fifty-five per cent
22 in favour of a strike and forty-five against it, not on
23 arbitrary grounds, but on legitimate grounds. They say
24 that "we can't succeed now, don't force us into
25 that because we will lose". The majority may be wrong
26 and it is pretty hard to say to the minority, which
27 ultimately proves to be right, that "You've got to come
28 out with us, out here, or you are scabs". I don't think
29 that you are liberal enough in your attitude towards
30 those who seem to be backward about going out. But



1 whatever that may be, you can't say that the obligation
2 to bring about that complete collaboration belongs to
3 anybody but yourself. If there is a real ground for
4 unionization in the plant, won't you get that collabora-
5 tion?

6 MR. CAMPBELL: Well, I think it is rather
7 taxing the credibility of something to say that people
8 who have followed all the processes over the many tor-
9 tuos months, you might say, prior to this strike
10 taking place and then are not in a position to under-
11 stand the reasons for the majority, in this instance,
12 going out on strike, and you might say, quite a big
13 majority.

14 THE COMMISSIONER: I suppose logically
15 you could say that the strike ought to compel all the
16 employees at least to stop working. I mean, taking
17 your assumptions and reducing it. But, of course, you
18 have got to follow that by something else. If the
19 plant here, would this plant have substituted a hundred
20 and eighty new workers for the old?

21 MR. CAMPBELL: Yes, they nearly did, as
22 a matter of fact. Wait until we get to the certification
23 proceedings.

24 THE COMMISSIONER: Then there can't be very
25 much skill involved in the processing.

26 MR. CAMPBELL: Our estimate is that they
27 lost something like three-quarters of a million dollars
28 to break the union in that plant.

29 THE COMMISSIONER: Well, the strike-
30 breakers who come in from the outside, were they skilled?



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1 MR. CAMPBELL: No, in most cases they
2 weren't skilled.

3 THE COMMISSIONER: Then you don't require
4 skilled people?

5 MR. HARRINGTON: Not in the full sense
6 of the word no.

7 MR. CAMPBELL: Practically everybody on
8 that operation was trained on the job. They weren't
9 people with prior knowledge of making tubes.

10 THE COMMISSIONER: How long would it take
11 to train them?

12 MR. CAMPBELL: Maybe three to six months,
13 possibly a month to be competent, but three to six months
14 to be really competent.

15 MR. POLLOCK: The company was prepared to
16 make waste for that period of time and it would be
17 scrapped.

18 MR. CAMPBELL: Yes, they were.

19 MR. HARRINGTON: They were making copper
20 tubing and on copper tubing there is a method of drawing
21 and turning the ends and it is done on a long press-type
22 thing and the copper tube was pulled through and drawn
23 out from the ingot and then the ends are turned around
24 in order so that they will socket into each other. It
25 is ordinary plumbing tubing and some of it is quite
26 large and some of it is very small and they have a
27 quality control set-up in there that checks everything
28 as it goes around. I have been around that plant a
29 couple of times myself and I know something of the
30 workings of the place.



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1 THE COMMISSIONER: About how many strike-
2 breakers in the strict sense of the word and gathered
3 from outside and the original personnel were taken into
4 the plant?

5 MR. CAMPBELL: If I remember correctly,
6 the figure was something like ninety.

7 THE COMMISSIONER: That meant that ninety
8 of the original stock didn't go back to work.

9 MR. HARRINGTON: That is right.

10 THE COMMISSIONER: Where did they go?

11 MR. HARRINGTON: They found other jobs
12 in the community.

13 MR. CAMPBELL: There are half-a-dozen or
14 so working in the plant that I work in. Some of them
15 had to leave town and go to Windsor to get jobs and
16 some of them are working at Chrysler in Windsor and so
17 on. But I really don't think there were any more than
18 half-a-dozen of them went back into work when the strike
19 was over, that is, of the people who originally went on
20 strike.

21 THE COMMISSIONER: That is, of those who
22 were on strike.

23 MR. CAMPBELL: Yes.

24 THE COMMISSIONER: So that that means
25 fifty per cent of the stock ceased their employment?

26 MR. CAMPBELL: At least fifty per cent,
27 yes.

28 MR. POLLOCK: What would have been the
29 persuasive effect on these ninety people--or whatever
30 there were--that went into work if you had had no



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1 injunction?

2 MR. CAMPBELL: I think that it is a great
3 difference. Mind you, I think that people who went into
4 work shouldn't have gone into work just on principle.
5 But I think there is a great difference between walking
6 past three lonely pickets with six policeman or twelve
7 or fifteen which was the case at many different times,
8 and walking through a hundred or so actual people who
9 have left their jobs in order to demonstrate their in-
10 terest in getting a union contract.

11 MR. POLLOCK: The one difference would be
12 one of physical security?

13 MR. CAMPBELL: No, not necessarily. The
14 difference would be on the effect it has on a person
15 who is going in to take away another man's job. He
16 doesn't see this graphically displayed to him when there
17 are only two or three people there.

18 THE COMMISSIONER: Well, I think the
19 question involved the going into the plant of regular
20 employees who wouldn't go on strike.

21 MR. HARRINGTON: I think in order to
22 set this record straight on this matter we must
23 recognize that in the first place most people weren't
24 in the plant at the beginning--it wasn't as great, it
25 was smaller than it was at the end. In other words,
26 they were dribbling back by ones and twos as the strike
27 went overtime.

28 THE COMMISSIONER: Why would they do
29 that?

30 MR. HARRINGTON: Well, I think some of



1 it is economic problems. A man with a wife and family
2 gets an economic problem and he just can't see any way
3 out of it and he probably would go against all of his
4 principles if his wife and children go without food or
5 he loses his house.

6 THE COMMISSIONER: Well, I think that
7 does occur and my only criticism would be that you are
8 not generous enough towards that.

9 MR. HARRINGTON: I don't think it is a
10 question of not being generous enough.

11 THE COMMISSIONER: Well I mean generous
12 in your attitude, not generous in your money.

13 MR. HARRINGTON: Well, the fact as I see
14 it here, you have to weigh the situation between the
15 members that you have in the picket line who are also
16 up against an economic problem.

17 THE COMMISSIONER: They may be or they
18 may not be.

19 MR. HARRINGTON: And it's almost as much--
20 in my dealing with people in industry, some people would
21 suffer almost anything if their principles were being
22 overcome. They would fight like the devil in order to
23 maintain their principles and even if they had to go
24 crawl some place, they would do this rather than back
25 down on their principles and other people, a principle
26 isn't so dear to them and therefore, they are willing to
27 give way very easily and sometimes jeopardize other
28 people and their eventual economic standard in the future
29 and I think this is the problem, too.

30 MR. BERNHARDT: If the company hadn't been



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1 granted the injunction, would they have made the same
2 attempt to hire strike-breakers and to keep their plant
3 in operation?

4 THE COMMISSIONER: I think so, why not.

5 MR. BERNHARDT: Well, I wanted to pose
6 that question.

7 MR. POLLOCK: Well, I don't know from
8 your emphasis generally on the importance of the injunc-
9 tion, do you suggest it would be more difficult for them
10 to obtain people to work? They would certainly, I am
11 sure, exercise their efforts in a most vigorous way to
12 get people to work. This is the nature of the economic
13 struggle, I suppose. You try and keep the people out
14 and they are trying to get the people in. So whether
15 the injunction permitted this in large numbers and
16 whether there were a few timid souls who wouldn't cross
17 the large number of people and would cross two or three
18 because of physical security, or whether there were some
19 who thought they were stealing somebody's job and didn't
20 want to look them in the eye as it was suggested earlier,
21 those are the reasons that you ascribe to the effectiveness
22 of an injunction, not the efforts of the company. The
23 company, I am sure, would probably have tried to
24 employ strike-breakers.

25 MR. BERNHARDT: Well, I might add that I
26 think the record will show that where labour disputes
27 take place and no injunction is granted, the company
28 don't make the same attempt to try and operate the plant.

29 MR. POLLOCK: Well, maybe one is the cause
30 of the other effect. Maybe they don't want to operate



1 the plant and they don't want to bother getting an in-
2 junction.

3 MR. BERNHARDT: Well, there can be other
4 factors involved but again, it is determined, too, by
5 the nature of their production.

6 MR. POLLOCK: Well, I am sure there are
7 many cases in which the company can't hope to operate
8 the plant. The tool and die makers are out on strike
9 and you just can't get tool and die makers in this part
10 of the country, so that they can't get strike-breakers
11 and perhaps they just don't operate under the circum-
12 stances. But if you take a low-skill industry--and I
13 don't mean this disparagingly--which can be replaced
14 relatively easily by the industry in that locality, then
15 I think the company is prepared to look at the effects
16 of labour market forces, whatever they are, and try to
17 continue operating--at least, that is the situation as
18 it exists today.

19 THE COMMISSIONER: What is this condition
20 today in relation to those items of negotiation which
21 were rejected by the company?

22 MR. CAMPBELL: Well, as we understand it,
23 they have, as many industries do where there is no union--

24 THE COMMISSIONER: Well, what of the
25 terms and wages and one thing and another?

26 MR. CAMPBELL: They are still behind us
27 quite a bit.

28 THE COMMISSIONER: But did they come up
29 to the conditions which were submitted originally by
30 you?



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1 MR. CAMPBELL: I am not familiar with the
2 "in plant" conditions other than the odd sketch that
3 someone comes out with occasionally which indicates that
4 they don't have much job security in the place and they
5 don't particularly like the conditions there.

6 THE COMMISSIONER: What do you mean by
7 job security that you have and they haven't?

8 MR. CAMPBELL: Well, we have a union con-
9 tract that protects us against undue firing or firing
10 without cause and this sort of thing and they don't have
11 it because they don't have a union agreement.

12 MR. POLLOCK: Well, of course, or vir-
13 tually, they are content with that, they haven't tried
14 to organize themselves again subsequent to this affair.

15 MR. CAMPBELL: That is true, there hasn't
16 been a great influx of people into our office to sign
17 up cards again. Mind you, they had a very bad experience
18 and when you look at the figure and the number of people
19 there, it will take a number of years before the natural
20 turnover of things replaces a hundred and forty-some-odd
21 people that they wound up with, most of whom were strike-
22 breakers, but were hired after the strike commenced.

23 MR. POLLOCK: If you could put yourself
24 in the position of a strike-breaker, what goes through his
25 mind when he decides to go and as you say, steal some-
26 body's job? He doesn't have any merit to him at all.

27 MR. CAMPBELL: Not in my opinion, but I
28 can't possibly put myself in his position.

29 MR. POLLOCK: Well, he needs a job on the
30 terms and conditions that labour and the company is



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1 prepared to offer and he is prepared to accept. He is
2 not working.

3 MR. CAMPBELL: Well, this is where the
4 question of rights comes into effect. I remember when
5 we presented a brief to Mr. Wishhart, the Attorney General,
6 on the same question and he made the same point. He
7 said, "What if I were working across the street from
8 this plant at \$1.50 an hour and they were paying \$1.70
9 in this plant and you people decide you wanted to go
10 out on strike for \$2.00 an hour? Now, you people were
11 making more than I was when you went on strike, so why
12 shouldn't I, as a free Canadian citizen, feel quite
13 free and within my rights to walk over there and offer
14 my services?" So, I don't know how you think about this.
15 All I can say is that if you can't answer that question,
16 brother, I don't know how we are going to change this
17 Act.

18 MR. POLLOCK: Well, what is your answer?

19 MR. CAMPBELL: My answer is that people
20 of this nature need to work in a union shop for a while
21 and realize the type of security conditions and provisions
22 that you have where you are dealing with management on
23 a rather somewhat equal basis and maybe gradually they
24 will change. I am not really out for possibilities of
25 change, I am just thinking at this point that it takes
26 a pretty unprincipled person if they know anything about
27 the history of the situation to just walk in and take
28 over another man's job.

29 MR. POLLOCK: No, it takes somebody making \$1.50
30 an hour in a non-union shop, someone who wants to make



1 \$1.70 an hour in a shop. I'm sorry, everybody would say they
2 would want to make \$2.00 in a union shop than \$1.70 outside
3 But if you have your "druther" you'd "druther" make \$1.70
than \$1.50.

4 MR. CAMPBELL: That is the person who
5 isn't thinking of ethics or case history or anything
6 else and I am sorry to say that there must be quite a
7 few of those kind around because they managed to load
8 that plant full of people in spite of our efforts.

9 MR. POLLOCK: Then how can you talk to
10 that kind of people and how can you persuade them on a
11 picket line?

12 MR. HARRINGTON: If I could interject this
13 much into the thinking here that in this city we have
14 probably very many more people that are paid a lot less
15 than the Wolverine Tube people, but we didn't have a
16 big influx of people running out there to get a new job.
17 These people were principled people who realized that
18 these people were fighting for an issue and they left it
19 at that. But the unprincipled people who got through
20 there are the people we term strike-breakers and scabs.

21 MR. POLLOCK: Well, how do you discipline
22 those unprincipled people?

23 MR. HARRINGTON: I don't know. As far
24 as I am concerned, they are almost a dead loss to society
25 as a whole.

26 MR. POLLOCK: Well, if you had your picket
27 line there, you couldn't persuade them.

28 MR. HARRINGTON: Probably not, but this
29 is the very point we mean when we say that the company
30 itself having gone through all the procedures that the



1 Labour Relations Act governs in a strike situation,
2 that the company shouldn't at that stage be able to hire
3 outside people above the work force.

4 MR. POLLOCK: Then, as I understand your
5 position, if you couldn't with a picket line keep these
6 unprincipled people out, then the injunction didn't
7 really have any effect on those unprincipled people,
8 that the reduction of numbers---

9 MR. HARRINGTON: I think on another point
10 there if there had been a number of people there and if
11 you wish, you can interject the word "fear" into this
12 area. I don't particularly interject the word "fear"
13 there but you may and I think you will in what I say
14 here, but the point is that if you have a number of
15 people standing in a picket line--I don't know if you
16 have ever approached a picket line or had any feelings
17 about this or how much work you have done in the industry
18 at all--but when you face yourself with a picket line,
19 you have a lot of inner feelings and thinking to come
20 up with.

21 THE COMMISSIONER: There is not a bit of
22 doubt about that. It is really an intimidation by mass.

23 MR. HARRINGTON: I think so, yes.

24 THE COMMISSIONER: There is an effect on
25 the mind and feelings.

26 MR. HARRINGTON: I would be foolish if
27 I didn't concede that and I think that is a concession
28 we will make, that there is the problem of intimidation
29 by a group and large numbers. But to me, it is the only
30 weapon that the worker has.



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1 MR. BERNHARDT: Is there not, sir---

2 MR. HARRINGTON: You take that weapon
3 away from him and you immediately do away with this
4 whole procedure of being able to come up against a com-
5 pany that has so many million dollars or so many thousand
6 dollars to operate a business in a process of profit in
7 which we have to argue our position from the point of
8 view of giving a regular and understandable wage and
9 not being put in a position where we are intimidated by
10 the large amount of money. I think this is the position
11 we take.

12 MR. POLLOCK: Well, that is certainly a
13 stronger position than just the communication of informa-
14 tion.

15 MR. HARRINGTON: Probably, yes.

16 THE COMMISSIONER: And I think it is a
17 truer statement and that is what we like to have here,
18 that is all. Now I think we have covered that
19 topic pretty well. Is there anything else that you would
20 like to bring up?

21 MR. CAMPBELL: Well, one thing we would
22 like to say before we leave this question of the injunc-
23 tion at Wolverine Tube--of course, I am convinced that
24 the injunction has a great effect on the outcome. I
25 think the injunction does have the effect of reducing
26 the effectiveness of the strike.

27 THE COMMISSIONER: I daresay that it
28 reduces the influences that can operate upon the mind
29 and feeling. That may be, but, on the other hand, it
30 is not granted on that account. It is granted on the



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1 specific provision---

2 MR. CAMPBELL: I would like to suggest
3 here that maybe the chap who spoke on behalf of the
4 Chamber of Commerce in Windsor, placed the case better
5 than we could when he said that injunctions don't work
6 too well in big industry but they do in small industries
7 because then it allows the companies to hire strike-
8 breakers and in effect, this is what we have been telling
9 you all along, that this is what companies use an injunc-
10 tion for.

11 MR. POLLOCK: I don't think you can say
12 that they don't work well in big industries. They
13 probably are not employed in big industries.

14 MR. CAMPBELL: Because they don't work
15 well. What is the use of the company in having them?

16 THE COMMISSIONER: Well, they are not
17 granted on that ground. They are granted on the ground
18 that there is a threat to industry or property or dis-
19 turbing the peace and that is the condition under which
20 the statute makes the issue possible.

21 MR. HARRINGTON: I would like to say
22 something in this area, sir, that I think is very re-
23 levant. That in all of the instances of injunctions
24 that have been issued and always the case where there
25 are people going through the picket line and they want
26 people to be employed in the place and as a result of
27 this, it begets much more violence on picket lines than
28 if there is no injunction in the first place. I believe
29 in my mind that the issuance of an injunction to a
30 strike situation where there are possibilities of



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1 employing people outside the people that are up against
2 the company for their various problems, if you employ
3 an injunction in this area, it will do nothing else but
4 create violence because it has to, because the people
5 are being frustrated by the law which, in their mind
6 and in their direct thinking, is benefiting the boss
7 and is against them. This is the direction that you
8 go in.

THE COMMISSIONER: Well, it would be
much better in the beginning if you did admit that
there is an influence by mobs and that is the fact that
I think you must accept. Then the question is, how far
as a matter of social policy should you be permitted--
and I mean you or anyone--should you be permitted to,
in plain terms, to interfere with what we look upon at
the present time as the rights of property to the extent
of preventing anybody who is seeking work from entering.
Now, I am sensitive to all of the considerations that
lie against that but I am just trying to find out the
realities of conditions today, because you can't make
any improvements unless you know what goes on. It may
be that some of the strike-breakers are going in for
the purpose of enabling them to maintain their homes,
that is possible. For whatever/^{other}reasons there may be,
that is one. But what you have unconsciously assumed,
and I think from the point of view that you are entitled
to assume, that there is a unity of attitude in the whole
labour force, that is the men who do, as we say, pri-
marily the operational work, the manual work, the work
of handling things with their hands instead of with a



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1 pen, you assume a loyalty there that hasn't yet been
2 established and I think it is your task to establish
3 this. And if you do establish it, then we can eliminate
4 these side incidents.

5 MR. HARRINGTON: But I also think, sir,
6 that in the relationship of a verified contract which is
7 entered into by two parties at the beginning and because
8 of some breach somewhere down the road, there is a breach
9 because of an argument and in this case, it was the
10 first contract and the company in our mind were defin-
11 itely objectionable to having a union in there and they
12 were going to break this thing no matter what. This is
13 our opinion and I think by the facts that have been
14 presented, it must be the assumption of almost anybody
15 in this room.

16 THE COMMISSIONER: Well, I don't think
17 there is any difficulty in taking that for granted.

18 MR. HARRINGTON: However, I think you
19 haven't come to the fact that having gone to the Labour
20 Relations Board and having gone through the procedures
21 that are laid down as the necessary means of going on
22 to a legal strike--and I am not talking about a wildcat
23 strike or something that somebody does out of the back
24 of their mind--I am talking about a legal strike that
25 is placed before the people because it is legal. Here
26 on the other hand, the company can do all kinds of illegal
27 things in their mind or in our mind that are against the
28 actual embodiment of the Act. In other words, they are
29 not bargaining in good faith and they won't sit down and
30 try to discuss a problem. They lay down large concessions



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1 which they know full well we cannot agree with and they
2 are not being honest.

3 THE COMMISSIONER: Well, I understand
4 those things, but what do you suggest as a means of
5 correcting it?

6 MR. HARRINGTON: I suggest that when a
7 company or the union, if they wish, break the law with
8 respect to not bargaining in good faith that they should
9 penalize them for it.

10 THE COMMISSIONER: Why don't you prosecute
11 them?

12 MR. HARRINGTON: Because we never get to
13 the point.

14 THE COMMISSIONER: Now, just a moment.
15 When they interfere with the lawful organization of
16 these men in the plant, you can bring them up before
17 the courts. You haven't tried for permission to do that.
18 Why not?

19 MR. CAMPBELL: Let me tell you what we
20 did do, and this is in our efforts to reopen negotiations
21 and this was after the strike and after the injunction
22 and the long term that followed. The union notified the
23 company of its willingness to meet at any time in an
24 attempt to reach an agreement. It also notified the
25 Minister of Labour of its desire to bargain, asking
26 him to use his office to bring the parties together.
27 The London District Labour Council requested the Mayor
28 of London, Mayor Stronach, to intercede and this request
29 was also made to Premier Robarts. The company refused
30 early all/attempts to meet until called to a meeting by the



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1 Deputy Minister of Labour on October the 2nd at Toronto.

2 THE COMMISSIONER: I think the company
3 can be fined \$1,000.00 if there is an offence every day.
4 If you can't talk to people who are against you, why
5 don't you prosecute them?

6 MR. HARRINGTON: Well, I would say further,
7 sir, that even though it is generally assumed that the
8 labour movement has all kinds of money at its disposal,
9 generally speaking it is confined to small groups of
10 people and we have to build funds in order to do this.
11 We have to go through our Labour Congress and our funds
12 aren't so great when you boil them down or cut it down
13 between the people who really provide those funds in
14 the first place.

15 THE COMMISSIONER: But haven't you
16 sufficient internal solidarity to fight a question of
17 principle?

18 MR. HARRINGTON: I think we probably
19 could if we thought we could get anywhere with it.
20 You see, I think the problem here is that inherent
21 in our belief, we have a terrible time when we go to
22 the law to get something done. This has been a factor
23 all through my life, anyway.

24 MR. CAMPBELL: I might interject here
25 if I may that the reason that we didn't go to the law--
26 and this goes on to point out that Robarts did request
27 a meeting and called the company to a meeting and do
28 you know what the company said? They said they were
29 withdrawing the things that they had already agreed to.
30 This was all that they said. We then did take into



1 account the possibility of suing the company for failure
2 to bargain in good faith and so on, but there was a
3 case pending, and I believe it was the Ottawa Hodges
4 Glass situation in Hamilton at the time and this was
5 based on much the same premise and it was thought that
6 if this works out in favour of the union, it would
7 indicate somewhat to us whether or not it was feasible
8 for us to proceed along the same lines. And I don't really
9 know what happened in that case. I think it just died
10 a natural death. Do you recall what the outcome was,
11 sir?

12 MR. POLLOCK: Well, it eventually went or
13 they found that there wasn't a failure to bargain in
14 good faith, but it just pointed up really the difficulty
15 in assessing what is good faith. If you have somebody
16 standing over there and somebody standing over here and
17 somebody in the middle, there are three different views,
18 and if you multiply that by a hundred, then you have
19 got three hundred different views.

20 MR. CAMPBELL: Well, wouldn't you say,
21 well, in our understanding of the situation it was a
22 comparable situation in that it--the problems that we
23 were having with this management in their case and
24 therefore, we were willing to look at it as a trial to
25 see what would come of it. However, on this business
26 of the attempts to deal with such a management, I would
27 think that failure to bargain in good faith is proven
28 quite conclusively in the chronological look at this
29 whole situation, and it must have been so in the case
30 of the strike in Hamilton.



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9 THE COMMISSIONER: Well, I think we pretty
10 well understand your position here now.

11 MR. POLLOCK: Now, let me just conclude
12 the question of Wolverine Tube. The plant was eventually,
13 I think, de-certified or the union was de-certified.
14 There haven't been any subsequent organizational attempts.

15 MR. CAMPBELL: No, there haven't been
16 since.

17 MR. POLLOCK: Now, you started out by
18 introduction to Wolverine Tube as a classic example.
19 It is simply not a typical example, is it, today?

20 MR. CAMPBELL: The reason I said it was
21 classical is that it had more to do with the fact that
22 the Labour Relations Board reversed the vote. But the
23 rest of the things that happened there are things that,
24 as I understand it, are things that have happened in
25 many places in the course of the use of an injunction
26 to break a strike and I think that you can go back into
27 history and if you recall the time of the big railroad
28 strike in the States in which, if you remember, Eugene

29 Dents was the man involved in that. This was in
30 1890 and Clarence Darrow was the defence lawyer for the



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1 company, for the railroad companies. In a conversation
2 with the president of the railroad company in which Darrow
3 said that he was going to leave the company and go over
4 to the workers' side, that is, the strikers' side, he
5 was told by the president of that company that he
6 couldn't fight the injunction and he couldn't beat it.
7 He said it is a gatling gun on paper, and I don't know
8 what the present day comparison would be, but maybe it
9 is like an intercontinental ballistic missile pointed
10 at the heads of labour today.

11 THE COMMISSIONER: Well, you can't com-
12 pare your position today to what it was in 1894.

13 MR. CAMPBELL: It is an application of a
14 law that was used then and the United States apparently
15 has seen fit to revise their use of the injunction, so
16 that ours is a heck of a lot worse than theirs.

17 THE COMMISSIONER: But they have never
18 eliminated the injunction in the United States.

19 MR. CAMPBELL: But it isn't applied like
20 it is in Canada, as I understand it.

21 THE COMMISSIONER: Now, just a moment.

22 There is no sense in making these broad statements that
23 are not supported. There are still injunctions today.

24 MR. CAMPBELL: Are they issued on the same
25 basis then as our ex parte injunctions?

26 THE COMMISSIONER: Not in the same res-
27 pect, but there is if there is any breach of the criminal
28 law or any breach of an individual right, when that is
29 not secondary picketing or something of that sort. But
30 we have pretty well got pretty far from 1894, when, I



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1 think it was, nine men who were shot in Chicago in the
2 case of the Pullman Car strike. There is no doubt that
3 that was a savage thing, but what was happening, they
4 were breaking down a barrier that was back in the Middle
5 Ages in its conception. There is no doubt about that.

6 MR. CAMPBELL: Well, the only reason that
7 I raise it is that I think this case that we are talking
8 about at Wolverine Tube, it indicates exactly the same
9 thinking that we are contending with today.

10 THE COMMISSIONER: It is a sort of
11 residual, but only on a very small scale, and the
12 majority of employers today recognize the policy that
13 is laid down by the Labour Board. Some of them still
14 oppose that, but you have a remedy that you don't resort
15 to and you can't blame the law if you don't take advant-
16 age of the privileges there for your protection.

17 MR. CAMPBELL: You have whetted my
18 curiosity enough on this point that I am going to go and
19 find out why it is that we are always advised that it
20 is useless to go to the law to try and fight this kind
21 of case.

22 THE COMMISSIONER: Well, you must go to
23 very poor advisers.

24 MR. CAMPBELL: Well, we will come and
25 see you next time, sir.

26 MR. POLLOCK: The only trouble is that you
27 run into a difficult situation where you have a lot of
28 evidence and there is evidence--you point out in the
29 brief that there is no evidence--but there is evidence
30 with respect here. There is evidence on affidavit and



1 making certain allegations and swearing to them. There
2 was no attempt in this particular case, as I understand
3 it, to cross-examine on them, was there, on the continua-
4 tion of the injunction? I doubt very much if you could
5 have destroyed the evidence that was there. You might
6 say, "Well, that was an isolated circumstance", but
7 were,
8 there certainly / from my understanding, cases of
9 some violent activity and some threats and willful
damage.

10 MR. CAMPBELL: There was later in the
11 course of the strike, which is part of our argument
12 that this is the result of the application for the
13 injunction in labour disputes.

14 MR. HARRINGTON: I believe it is because
15 of the complete frustration of not being able to over-
16 come the injunction process that the company was using
17 and to put a stop to it, and the method that they were
18 using, that the violence occurred after all because
19 people were frustrated

20 MR. POLLOCK: Well, if you have an
21 injunction like that or there is no injunction and
22 fifty people cross the line and the plant is operating,
23 then the frustration would be equally as great.

24 MR. HARRINGTON: Yes, I think like
25 everything else if you get a fair whack at something,
26 then you accept the inevitable result.

27 MR. POLLOCK: Do you say that this
28 technique is obviously failing and we have to escalate
29 it--I think that that is the word that is used these
30 days.



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1 MR. HARRINGTON: I don't think we need
2 to do this or the union leadership, but I think the
3 people do.

4 THE COMMISSIONER: I think all we need
5 is a bit of understanding of here in the nature to
6 understand what you will do.

7 MR. HARRINGTON: I think that practically
8 everybody recognizes that after all if somebody causes
9 an act of violence against you, you don't sit down and
10 say "thank you" or turn the other cheek. This may be
11 the Christian way of doing it, but you don't do it.

12 THE COMMISSIONER: Now, is there any
13 other aspect or feature here that you would like to
14 emphasize?

15 MR. HARRINGTON: I think we would like to
16 discuss the compulsory parts of arbitration or aspects
17 of arbitration. Mr. Campbell has the file that we will
18 lead the discussion from. We will interject where we
19 feel that we have a point.

20 MR. POLLOCK: Mr. Campbell, you are up
21 to bat again.

22 MR. CAMPBELL: I am rather unhappy that
23 I didn't come out and say it in their face all this
24 London situation that you were going to recommend dis-
25 continuing the use of injunctions in labour disputes
26 or at least go along with David Archer when he suggested
27 that an injunction not be granted before they go through
28 the Labour Relations Board machinery and I haven't heard
29 any comment on this area at all. I didn't like to leave
30 injunctions until--I know that a lot of the submissions



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1 have dealt with this question and I am wondering if you
2 have any comment that you would like to make on that.

3 MR. POLLOCK: I think any comment we
4 make today would be pretty precipitate. We are not
5 making any comment on that and I am not making any
6 either. We may make some suggestions that might sound
7 like comments but they only strip away some of the
8 by the issue.

9 MR. CAMPBELL: Well, our position on
10 compulsory arbitration is probably based more on a
11 principle than on a particular instance, because there are
12 so many of them. We look on this in somewhat the same
13 manner as we look on the issue of injunctions, that the
14 process of collective bargaining presupposes the discus-
15 sions in agreement or dissent between two parties and
16 compulsory arbitration largely eliminates the possibility
17 of this machinery that is used to the fullest extent,
18 and we think because of the fact that this is put forward
19 as a method of resolving things, that companies don't
20 bargain as they might and as a matter of fact, they drag
21 their feet until such time as you get down to the wire,
22 so to speak, and compulsory arbitration comes into play
23 and the ball is taken away from the collective bargaining
24 table.

25 THE COMMISSIONER: Well, don't attribute
26 that solely to the action of somebody other than yourselves
27 because when things reach a critical condition, the call
28 generally goes out for the government to do something.
29 Now, why? Why do you call on the government and then say
30 the government ought to keep its hands off?



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1 MR. CAMPBELL: I am not saying that the
2 government ought to keep its hands off entirely.

3 THE COMMISSIONER: But until you make the
4 call.

5 MR. CAMPBELL: Well, let me put it this
6 way. As far as resolving disputes with the help of the
7 government, we are not opposing the help of the government
8 except when the procedures like conciliation and so on
9 which we think require changing.

10 THE COMMISSIONER: Now what changes in
11 conciliation?

12 MR. CAMPBELL: We think that conciliation
13 procedures should take place prior to the expiration of
14 the contract.

15 THE COMMISSIONER: Well, they do, but
16 you may want a longer period, you have had too much,
17 haven't you?

18 MR. CAMPBELL: Yes, as far as the Boards
19 are concerned, we found it practically useless in
20 a
21 resolving. I mean, from practical experience point of
22 view when the Board comes into play, the possibilities
23 of resolving the differences have practically lost their
24 meaning in most cases and usually our union has to take
25 the position that we want to eliminate this time-
26 absorbing factor and get down to resolving the things
27 that are quite often resolved in the last minutes before
28 strike deadline. Whether we like it or not, that seems
to be the way it is.

29 MR. POLLOCK: Well, you give an example
30 here of the Dnieper Hospital case. Since the passing



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1 of the hospital legislation and compulsory arbitration
2 with relation to hospitals, there hasn't been a terrific
3 amount of experience simply because there hasn't been a
4 terrific amount of time, but we have been advised that
5 after the initial hurdle--I think Trenton was the first
6 one--there had been considerable success in negotiation.
7 The unions have been able to make considerable advances
8 in collective bargaining with the municipalities in
9 charge of the hospitals, because hanging over the muni-
10 cipality's head is the so-called Hammett
11 in compulsory arbitration. Now, some agreements have
12 been concluded by collective bargaining that never would
13 have been concluded before.

14 MR. CAMPBELL: Well, I hope that is the
15 effect. I am not really familiar enough with the hospital
16 end of the thing to know what their current experience is.
17 You might be right. I know that they have settled here
18 just recently a dispute but how this worked out, I really
19 don't know.

20 MR. POLLOCK: It wasn't settled by arbitra-
21 tion or was it?

22 MR. CAMPBELL: Yes.

23 THE COMMISSIONER: Well, I think in
24 arbitration there is an unnecessary fear of the word,
25 "compulsory arbitration". You have got to be able to
26 take this in your stride. It doesn't make much differ-
27 ence what the language is. What is the effect, and it is
28 rather significant today that there is already going on
29 an arbitration which was elected for by one of the railway
30 unions in preference to working out by ordinary



1 negotiation and conciliation.

2 MR. BERNHARDT: Your Honour, I happen to
3 be a railway worker and I happen to be a member of that
4 union you referred to and it was not, the leadership of
5 our union did not accept the idea of compulsory arbitra-
6 tion on the basis of any appreciation of compulsory
7 arbitration. It was the only end left to them at that
8 particular time.

9 THE COMMISSIONER: No. They wouldn't
10 agree to any of the proposals made by the conciliators.

11 MR. BERNHARDT: No, not any proposals.
12 It is a very complicated question.

13 THE COMMISSIONER: Well, they wouldn't
14 agree with his ultimate considerations or they wouldn't
15 be in arbitration.

16 MR. BERNHARDT: Well, that came about as
17 a result of the ruling by the government.

18 THE COMMISSIONER: That is true, in this
19 special situation I agree.

20 MR. BERNHARDT: And it is a pattern that
21 has been established in the railroad industry for some
22 years now, and not under The Ontario Labour Relations
23 Act, but we negotiate under The Federal Labour and
24 Industrial Disputes Act, which is quite archaic at the
25 present time.

26 THE COMMISSIONER: Well, all I want to
27 emphasize is that you shouldn't be afraid of work.

28 MR. BERNHARDT: Well, here too, if I am
29 not interrupting, sir, we were informed that the govern-
30 ment made its terms of reference with this Arbitration



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1 Board that they were going to establish, that empowered
2 that Arbitration Board to provide or recommend a three-
3 year contract and we have always been working on two-
4 year contracts. Now, this was different than what the
5 decision was, and we were opposed to that concept at
6 that time.

7 THE COMMISSIONER: Oh yes, but you see
8 there are a great many people in society who accept not
9 arbitration at all, but an arbitrary declaration of
10 what they shall receive for certain types of work. Now,
11 I agree--at least I would make a distinction between
12 those works which are essential to the maintenance of
13 our normal pattern of life and those in which we have
14 still to resort to either do without things that are
15 being produced or to get alternatives for them. I
16 accept that as a legitimate excuse and the railway is
17 in the necessity class for this country.

18 MR. BERNHARDT: It is agreed that it is
19 the responsibility and essential to the economy of the
20 country, but at the same time, the powers that be should
21 also recognize that responsibility as far as the employees
22 of the railway are concerned.

23 THE COMMISSIONER: It has always occurred
24 to me that we all--and I am not speaking merely of you
25 as representatives of certain kinds of workers--but
26 there are other people doing work, you know. It has
27 always astonished me to realize what takes place in the
28 necessities of preserving a society. What is taking
29 place in the United States today when young men of 18
30 and 20 and 22 and 24, they are being drafted to do what?



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1 To go and fight in Vietnam. So that that can be com-
2 pelled on them. Isn't the question of wages a rather
3 secondary issue to be resorted to in the same manner.
4 Sometimes we distort our sense of proportion. Here we
5 are quarrelling, and I have no doubt in the world that
6 it is a legitimate basis on the assumption that certain
7 standards of living ought to be open to all our citizens.
8 That is something we assume and I think we should legi-
9 timately assume it. But it is my criticism that this is
10 abnormal insane fear of arbitration. Arbitration,
11 in many cases, is resorted to or would be resorted to
12 gladly and even in this century, the demand of the
13 labour unions of this country were for compulsory arbitra-
14 tion.



1 that I think in arbitrations, that if we are going to
2 arbitrate and if we are going to have compulsory arbitra-
3 tion, let it at least have a fair standard on which we
4 can say that this is the area that we have to work in.

5 MR. POLLOCK: That is another concept.
6 You say improving the standard and criteria on which
7 arbitration is made.

8 MR. HARRINGTON: Very much so and this is
9 one thing we have to accept or reject one way or the
10 other but at the present moment and the way it is working,
11 we want to reject it because it doesn't work in the area
12 that we think is right.

13 MR. POLLOCK: I would be interested in
14 knowing what you think about the aspect of compulsory
15 arbitration in the Wolverine Tube strike.

16 MR. CAMPBELL: Do you mean, do we think
17 it would have been useful? We think and--well, I don't
18 know, I would have to think about that because the
19 Minister of Labour did call a meeting of the parties in
20 Toronto and as far as I can understand, he didn't con-
21 tribute too much to it in the terms of urging the com-
22 pany to do anything. Whether an arbitrator might have
23 ruled favourably--- If we look at the results of some
24 compulsory arbitration awards, for example, this Dnieper
25 one, the union turned around and said it wasn't an
26 award, it was a "sentence" that was imposed.

27 MR. POLLOCK: Well, you wouldn't have
28 done any worse. From your description----

29 MR. CAMPBELL: I don't know, if we got
30 some of the arbitrators that resolve some of the service



1 people's problems, then you could get worse because
2 they don't think in terms of \$1.80, \$1.90 an hour, they
3 are thinking in terms of \$1.25 an hour.

4 MR. POLLOCK: But is that worse than
5 losing the strike? I mean, we had representation the
6 other day from the International Typographers Union and
7 they suggested that there ought to be reference to arbi-
8 tration when one of the parties is going to be wiped out.
9 I assume that both the union and the companies can point
10 out examples of recalcitrant opponents and neither side
11 is pristine any more, if it ever was. In those circum-
12 stances where you just cannot, they just will not come
13 to the table in good faith, then you have to have some
14 other technique because this machine is designed with
15 the presumption that people will come and negotiate.
16 Now, if they are not going to negotiate, then you have
17 got to have, I suppose, some other way and strikes and
18 walk-outs don't work.

19 MR. CAMPBELL: Well, I don't know, in
20 this particular case it might have, if it had the law in
21 it for those things that we think are its weaknesses.
22 For example, giving the people the right to go on strike
23 and then giving the company the right to hire people to
24 take their jobs, which seems to be a very logical assump-
25 tion to us---

26 MR. POLLOCK: Well, that was the hysterical
27 aspect of the strike, to withdraw your labour. If he
28 couldn't do without you, then he'd just go out of
29 business.

30 MR. CAMPBELL: All right. So, that we



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1 think in a case like this that it was a matter of con-
2 vincing a company that was not about to be convinced and
3 the best shape we would have been in would have been that
4 if they had stayed with their forty people and we stayed
5 with our people until such time as one or the other
6 agreed that they were going to go back on some terms
7 acceptable to them. That might sound hard and fast, but
8 this is what the ruling should be.

9 MR. POLLOCK: You mean, to keep the con-
10 stant force. If they can attract forty or sixty members
11 from the original work force back, then let them do it
12 but not to take somebody from outside.

13 MR. CAMPBELL: Well this is if you would
14 concede the other point that once having given people
15 the right to go on strike then the same formula should
16 apply where the majority have voted to go on strike and
17 the forty, therefore, will have to go along with those
18 people who are presently employed.

19 THE COMMISSIONER: The fact is that you
20 the
haven't articulated / methodology to justify the simple
21 fact that you make. You claim, on what ground? You
22 claim it on the ground of fairness. What is "fairness"?
23 You haven't given it an intellectual structure in any
24 way to show a new apparatus of relationship and a point
25 of view or the range of interest to justify that claim.
26 I don't say that it is impossible to make it, I think
27 it is, but you haven't done it yet, because your claim
28 is made in the character of a mere claim.

29 MR. CAMPBELL: Well, what I started out by
30 pointing out was that our brief did not attempt to cover



1 all the questions.

2 THE COMMISSIONER: I don't mean you,
3 personally. I mean the labour view hasn't been expressed
4 to give effect to fundamental changes that have been made.
5 I think you are overlooking that sort of thing. And that
6 is what I would like to see, if you could state it in a
7 a form of/methodology considering the tremendous advance
8 that has been made since the early part of this century.
9 It is one thing to say that we want more and another to
10 justify it, because what it involves is that: in the
11 first place, you assume the institution of private
12 property. You have got to qualify that. What is the
13 basis intellectually of the qualifications which you
14 seek? If you own property, you are going to keep me off.
15 What is the policy behind that? You take the property
16 of an employer, and he wants to keep you off, and you
17 say "we have a right to prevent you from permitting
18 other people to go on." What is the idea behind that that
19 will appeal to the rational understanding? It seems to
20 me that that is the point on which you failed to give it
21 the support which every new system of ideas is designed to
22 give.

23 MR. CAMPBELL: But wouldn't you say, sir,
24 that within the framework of property ownership and the
25 production of goods for private profit that there has to
26 be a set of rules?

27 THE COMMISSIONER: Not rules at all, but
28 ideas.

29 MR. CAMPBELL: All right, if you want to
30 deal with ideas within that framework, a set of ideas



1 that takes into account the whole structure not just the
2 property that is owned or the ability of that property
3 to produce values---

4 THE COMMISSIONER: No, I am dealing with
5 the economic production of material goods which are
6 looked upon now as being more or less the legitimate
7 demand of the masses of people. But you have an economic
8 and industrial society and I think we are lacking in
9 giving it an ideology that you can rely on it and say
10 here is the inevitable result of what justice it is
11 pointed out today, that you have the result of making
12 everybody pay. Well, what follows from that? They
13 shouldn't be allowed to work? Now, whether we agree
14 with that idea or not, it is a legitimate matter of
15 contention. So, you want to stop the outside men from
16 coming in. Now, what is your intellectual basis for
17 that?

18 MR. CAMPBELL: Well, the intellectual
19 basis for that is precisely the same reason that you
20 used in the Rand Formula.

21 THE COMMISSIONER: I don't think it is,
22 because in one case, you are paying for the service that
23 was performed for your benefit, the benefit which you
24 accepted and enjoyed and profited by. That is not the
25 case here. Outside men are without work and let us
26 assume the best situation that you can. They want to
27 work and they have got to live and they have the ordinary
28 relationships of life and here is an opportunity to go
29 to work. So, you have to in some way modify that through
30 the employer because he is the man who is your opponent.



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1 Now, that requires a little fresh thinking and I don't
2 think that labour has so far shown to us what it may be.
3 But, in any event, we understand your position and I
4 suppose you will say it is part of our job to see if we
5 can bring up some new ideas.

6 MR. CAMPBELL: It is simply this that
7 we say the laws, as they are presently constituted, may
8 be in advance over what they are one hundred years ago
9 or were one hundred years ago, but we think there are
10 definite areas where they are still back in the Dark
11 Ages, like the injunction. But the present day indus-
12 trial giants that we have produced in the last fifty
13 or sixty years now requires a different approach to the
14 whole question of labour relations.

15 THE COMMISSIONER: I will object to that.
16 But they also say that there are giants on the side of
17 labour.

18 MR. CAMPBELL: I don't think our giants
19 are in the same position with relation to the law as
20 the other giants we are talking about and this is our
21 main complaint.

22 THE COMMISSIONER: Well, let us assume
23 that. Now, what idea do you support the qualification
24 of that power? They do it to some extent by preventing
25 combination for the purpose of raising prices.

26 MR. CAMPBELL: Well, I think it is a
27 shameful situation that I can make almost twice as much
28 money in producing parts for a vehicle, perhaps not
29 useless, but something that provides a joy and maybe
30 there is a necessity in our days, but a person working
for



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1 in a hospital who is attending to the ills of the human
2 being and the sickness of the body and who has to be
3 there and is essential to it, is expected to live under
4 conditions that don't in any way take into account the
5 requirements of today's living standards. And there is
6 something wrong with the law that allows this kind of a
7 thing to go to compulsory arbitration and doesn't take
8 into account the obligation of society towards these
9 people.

10 MR. POLLOCK: Are you suggesting that
11 the governing factor be the end product or the type of
12 worker's skill required to produce it?

13 MR. HARRINGTON: I think the governing
14 factor should be the standard of living in society.

15 MR. POLLOCK: But how do you differentiate
16 between a skilled technician or a skilled machinist and
17 a person who works in a hospital and does a necessary
18 job as an orderly?

19 MR. CAMPBELL: Well, we have within the
20 framework of our collective agreements and this is
21 taken into account, as you know.

22 THE COMMISSIONER: But on what basis?
23 What is your criterion?

24 MR. CAMPBELL: The criteria is certain
25 types of work require more training and therefore we
26 agree they should be paid more.

27 THE COMMISSIONER: And one would be the
28 training that is necessary to achieve that. That is
29 legitimate grounds.

30 MR. POLLOCK: But isn't that the



1 differential between the fact that you are getting paid
2 more than the hospital attendant?

3 MR. CAMPBELL: No, I don't think so be-
4 cause there isn't that great a difference in our indus-
5 trial concern between a man who sweeps the floor and a
6 man who is a toolmaker and between an orderly or a techni-
7 cian at the hospital.

8 THE COMMISSIONER: Well, you can take a
9 postal man who simply delivers letters to your home.
10 What is the basis for him?

11 MR. CAMPBELL: I would suggest in order
12 to do that----

13 THE COMMISSIONER: You wouldn't say that
14 it requires training. All you need is a good pair of
15 legs and an ability to read.

16 MR. CAMPBELL: Well, the point I was making
17 originally wasn't based so much on this difference be-
18 cause this can be worked out in a hospital the same as
19 it can anywhere else. The point I was making was that
20 there needs to be recognition that this present giant
21 that we have built up, the industrial giant, rich and
22 powerful, is letting whole sections of our communities
23 lag behind and the machinery of The Labour Relations Act
24 is contributing to it by the restrictions that it imposes.

25 THE COMMISSIONER: But the hospitals you
26 were complaining about are frequently municipal hospitals,
27 the taxpayers are the only people who are presenting
28 this appearance of giants.

29 MR. CAMPBELL: Well, we will get the
30 provincial government to pay more of our education costs,



1 then, and we will have more for the hospitals.

2 THE COMMISSIONER: Well, some of them
3 are not really terrifying things when you really think
4 of what they have to use.

5 MR. POLLOCK: Your point is well taken
6 as far as your objection to arbitration. If you are not
7 satisfied with the types and bases of the criteria,
8 that is a different argument against it.

9 MR. HARRINGTON: Well, after all, in any
10 situation or any given situation, you only object to
11 something when it hurts. If you go to a dentist and he
12 pulls your tooth out and it doesn't hurt, you will go
13 back next time. But if he pulls your jaw out with it,
14 you will say, "No, I will go some place else", and this
15 is the criteria of this type of thing, when it hurts
16 you start to scream and find out what's wrong, and this
17 is what is wrong with injunctions and this is what is
18 wrong with arbitration and this is what is wrong with a
19 lot of things that are all compulsory where the populace
20 in a body get up and say, "There is something wrong here.
21 We want to change it".

22 MR. POLLOCK: I suppose you could say
23 there is something wrong when you lose a strike, too.

24 MR. HARRINGTON: You could do, too, but
25 I don't say it is necessarily wrong if you lose a strike
26 but if you lose a strike through fair play, well, that's
27 how the whole cookie crumbles. But if you lose a strike
28 because the law has interjected or someone has given the
29 other guy a little boost along the road, then you have
30 got a problem, and this is the problem that you see from



1 from the purely layman's point of view and the guy
2 working in a shop every day of the week. Somebody's
3 trying to club you over the head with a stick and you
4 are going to fight like the devil to stop that. And
5 you use every area you can in doing it, just the same
6 as management uses every area of law in which he can
7 bring you to your knees, if possible. And I think this
8 is the sort of dog-eat-dog situation we have. What did
9 the Justice say about the ideals of society? I believe
10 that a trade union movement in general has had these
11 ideals for a number of years and we have fought and
we have
12 pushed and got to the position/right now for a number
13 of our people, and the numbers of people who have bene-
14 fited from the fighting of the trade union movement is
15 insufferable to everybody in this room or anybody in
16 this world. I don't think they understand the amount
17 of effort that has gone .. over the years into the trade
18 union movement to help the little man.

19 THE COMMISSIONER: Nobody is questioning
20 that at all.

21 MR. HARRINGTON: Well, I feel that has
22 a bearing on this matter. There has to be a bearing with
23 this and it has to have a follow-through and it all has
24 to do with what restrictions we put on people and how
25 we stop them from doing things and which is the best
26 method that we can use to overcome some of the injustices
27 which we, as a trade union movement, are very, very much
28 ready to look for and find and search for with the help
29 of other people.

30 THE COMMISSIONER: Nobody is charging



1 that and I could listen to the other point of view which
2 would contradict nearly everything you said. So, all
3 it illustrates, as somebody said, is the many-sidedness
4 of truth and the infinite number of points of view.

5 MR. HARRINGTON: Well, we hope that after
6 having listened to the many sides of truth that you will
7 come up with some kind of mechanism which will at least
8 make it better than it has in the past.

9 THE COMMISSIONER: I think we would all
10 agree with that.

11 MR. HARRINGTON: And I think this is the
12 wish of the trade movement in general.

13 MR. POLLOCK: Mr. McNames, have you any
14 points of view to add from the St. Thomas point of view?

15 MR. McNAMES: No, I think the boys have
16 done a very good job.

17 MR. POLLOCK: I would certainly agree to
18 that.

19 THE COMMISSIONER: Well, I would like to
20 thank you gentlemen for your frankness. I think that
21 is the way we make progress and not by coating things
22 in garments that deceive.

23 MR. POLLOCK: This commission is now
24 adjourned sine die.

25

26 ---At 12:30 p.m. the hearing adjourned.

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BINDING SECT. OCT 20 1967

